

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 MIGUEL A. CRUZ, and JOHN D. HANSEN, ) Case Nos. 07-2050 SC  
12 individually and on behalf of all ) 07-4012 SC  
13 others similarly situated, )  
14 Plaintiffs, ) ORDER OVERRULING  
15 v. ) PLAINTIFF ROBERT  
16 DOLLAR TREE STORES, INC., ) RUNNINGS' OBJECTIONS  
17 Defendant. ) TO THE MAGISTRATE  
18 ) JUDGE'S ORDER  
19 ) GRANTING IN PART AND  
20 ) DENYING IN PART  
21 ) MOTION TO COMPEL  
22 ) RESPONSES TO  
23 ) PLAINTIFFS' SPECIAL  
24 ) INTERROGATORY NO. 1  
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I. INTRODUCTION

This matter comes before the Court on Plaintiff Robert Runnings' Objections to the Magistrate Judge's Order Granting in Part and Denying in Part Motion to Compel Responses to Plaintiffs'

1 Special Interrogatory No. 1 ("Objections"). Docket No. 84. For  
2 the following reasons, Plaintiff's Objections are OVERRULED.  
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4 **II. DISCUSSION**

5 In these consolidated cases, Plaintiffs allege they were  
6 improperly classified as exempt managers and denied wages for  
7 overtime. On October 10, 2008, a hearing was held before the  
8 Honorable Magistrate Judge Joseph Spero regarding a motion to  
9 compel a response to Plaintiffs' Special Interrogatory No. 1. See  
10 Docket No. 78. Special Interrogatory No. 1 states: "Identify each  
11 and every class member." Bissen Decl., Docket No. 85, Ex. D at 2.  
12 Judge Spero issued an Order Granting in Part and Denying in Part  
13 Motion to Compel Responses to Plaintiffs' Special Interrogatory  
14 No. 1, which stated: "Defendant shall provide to plaintiffs the  
15 contact information requested, other than home telephone numbers,  
16 for 100 of the putative class members in this case." Docket No.  
17 79. In the Objections filed with this Court, Plaintiffs assert  
18 that Judge Spero erred in excluding the home telephone numbers of  
19 the putative class members from the contact information Defendant  
20 is required to produce.

21 Pursuant to Federal Rule of Civil Procedure 72(a), when a  
22 party objects to a non-dispositive matter decided by a magistrate  
23 judge, the "district judge in the case must consider timely  
24 objections and modify or set aside any part of the order that is  
25 clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a).

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1 After reading and considering Plaintiff's Objections and the  
2 applicable caselaw, the Court finds that Judge Spero's Order was  
3 neither clearly erroneous nor contrary to law. Plaintiff's  
4 Objections are therefore OVERRULED.

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7 IT IS SO ORDERED.

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Dated: November 3, 2008



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10 UNITED STATES DISTRICT JUDGE